

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, )  
                                  )  
Plaintiff,                    )  
                                  )  
-vs-                            )                            No. CR-20-280-C  
                                  )  
BRANDON CORDELL GANUS,     )  
                                  )  
Defendant.                    )

**ORDER CONTINUING TRIAL**

Before the Court is the Joint Motion to Continue Trial (Doc. 20) filed by the United States of America and Defendant, Brandon Cordell Ganus, requesting that the trial in this matter be continued from September 14, 2021 until the January 2022 trial docket. In support of the request, counsel state that 1) more time is needed to obtain and review potentially dispositive discovery not yet in the custody of either party; 2) the parties continue to discuss a possible resolution to this case; and, 3) counsel to one of the parties has a medical procedure that may cause him to be unavailable for a period of time.

After consideration of the joint motion to continue the trial, the Tenth Circuit's rulings in *United States v. Toombs*, 574 F.3d 1262 (10<sup>th</sup> Cir. 2009); *United States v. Larson*, 627 F.3d 1198 (10<sup>th</sup> Cir. 2010), and the parameters of

the Speedy Trial Act, the Court finds that a continuance is in the interest of justice for the following reasons:

1. The continuance granted herein is brief and only marginally affects the time limits imposed by the Speedy Trial Act. Indeed, given the circumstances surrounding the COVID-19 pandemic and the various General Orders issued by this Court and others, the Court finds that the Speedy Trial clock was suspended from March 11, 2021, until the August trial calendar. Additionally, the previous continuance from the August to September jury docket was for good cause and necessary, so was likewise excluded from the speedy trial clock. Thus, any impact of the Speedy Trial Act is negligible.

2. Due to the issues set forth above, the Court concludes that additional time is warranted for the parties to possibly resolve the case without the necessity of trial or in the alternative to adequately prepare for trial.

3. Defendant's right to have adequately prepared counsel at the trial of this matter outweighs any interest the public has in the trial occurring in September 2021 as opposed to January 2022. 18 U.S.C. § 3161(h)(7)(B)(iv).

Finally, the Court finds that additional time for the parties to prepare and present pretrial Motions is warranted. Thus, the deadline for pretrial Motions will be extended to December 17, 2021.

Accordingly, the Joint Motion to Continue Trial (Doc. 20) is GRANTED.

This matter shall be set on the Court's January 2022 trial docket. The time shall be excluded from the speedy trial clock. All pretrial motions shall be filed and served on or before December 17, 2021.

IT IS SO ORDERED THIS 23<sup>rd</sup> day of August, 2021.

  
ROBIN J. CAUTHRON  
United States District Judge